

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 99-1308

Reginald Morgan,

Appellant,

v.

Brown & Williamson Tobacco
Corporation,

Appellee.

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Appeal from the United States
District Court for the
Eastern District of Missouri

[UNPUBLISHED]

Submitted: August 6, 1999

Filed: August 27, 1999

Before McMILLIAN, RICHARD S. ARNOLD, and HANSEN, Circuit Judges.

PER CURIAM.

Reginald Morgan appeals from the final judgment entered in the District Court¹ for the Eastern District of Missouri granting the Fed. R. Civ. P. 12(b)(6) motion of Brown & Williamson Tobacco Corporation (B & W) to dismiss Morgan's civil action. For the reasons discussed below, we affirm the judgment of the district court.

¹The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri.

We review de novo the district court's dismissal of an action for failure to state a claim; dismissal is not appropriate unless it appears beyond doubt that the plaintiff can prove no set of facts that would demonstrate entitlement to relief. See Smith v. St. Bernards Reg'l Med. Ctr., 19 F.3d 1254, 1255 (8th Cir. 1994) (Smith). Morgan's complaint merely named B & W as the defendant, and failed to state what B & W did or did not do to cause his alleged injuries. Thus, he failed to give fair notice of his claim. See Fed. R. Civ. P. 8(a)(2); Smith, 19 F.3d at 1255 (Rule 8(a)(2) requires only a short, plain statement of claim giving fair notice of plaintiff's claim and grounds for relief). We agree with the district court that the complaint fails to state a claim against B & W.

Accordingly, we affirm the dismissal of Morgan's complaint. We note that the dismissal was without prejudice, which means that Morgan is free to bring a new suit against B & W, although he is required to put B & W on notice of what it did or did not do to cause his alleged injuries.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.